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EXAMINER	
PHUONG, DAI	

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/652,253	HAFREN, JONAS	
	Examiner	Art Unit	
	Dai A. Phuong	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 March 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's arguments filed 03/14/2006 have been fully considered but they are not persuasive. Claims 1-46 are currently pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Minear et al. (Pub. No: 20030143991).

Regarding claim 1, Minear et al. disclose a method for charging a streaming connection in a mobile packet radio system, the system comprising a streaming source and a subscriber capable of receiving streaming data from said streaming source (fig. 1 and fig. 2, [0008]), the method comprising the steps of: establishing a data connection for a subscriber 12, 18, 20, 22 (fig. 1 and fig. 2, [0023] to [0025] and [0029]. Specifically, Minear et al. disclose the system 10 thus selectively updates the versions of stored datasets on a wireless device 12, 18, 20, 22 attempting to communicate with at least one download server (application download server 16) across the wireless network 14); establishing a streaming connection between said subscriber 12, 18, 20, 22 and a streaming source 16 (fig. 1 and fig. 2, [0023] to [0025]; [0032] to [0033] and [0035] to [0037]. Specifically, Minear et al. disclose the wireless device 12, 18, 20, 22 bridges a

connection to an application download server 16); terminating the streaming connection between said subscriber and said streaming source ([0033]. Specifically, Minear et al. disclose that if there is not a download server dataset update summary file 70 present at decision 82 (or other version comparison method present), then the connection to the application download server 16 is otherwise completed, and the version update process is terminated); and charging said streaming connection using a time-based charging ([0008]. Specifically, Minear et al. disclose this function is especially useful if the owner of the wireless device will be ***charged for the network connection time to download the new version of the application*** or data from the download server).

Regarding claim 24, Minear et al. disclose a mobile packet radio system for charging a streaming connection (fig.1 and fig. 1, [0008]), the system comprising: a streaming source 16, 30 and/or 32 (fig. 1, fig. 1 and fig. 2, [0023] to [0025]; [0032] to [0033] and [0035] to [0037]. Specifically, Minear et al. disclose the application download server 16 is shown here on a local server-side network 26 with other computer elements in communication with the wireless network 14, such as a database 28 with stored applications and data that contains software applications and data that are accessible and downloadable to the wireless devices 12, 18, 20, 22); a subscriber capable of receiving streaming data from said streaming source 12, 18, 20, 22 (fig. 1 and fig. 2, [0023] to [0025]; [0032] to [0033] and [0035] to [0037]. Specifically, Minear et al. disclose the system 10 thus selectively updates the versions of stored datasets on a wireless device 12, 18, 20, 22 attempting to communicate with at least one download server (application download server 16) across the wireless network 14); first establishing means for establishing a data connection for said subscriber 12, 18, 20, 22 (fig. 1 and fig. 2, [0023] to [0025]; [0032] to

[0033] and [0035] to [0037]. Specifically, Minear et al. disclose the system 10 thus selectively updates the versions of stored datasets on a wireless device 12, 18, 20, 22 attempting to communicate with at least one download server (application download server 16) across the wireless network 14); second establishing means for establishing a streaming connection between said subscriber 12, 18, 20, 22 and said streaming source 16 fig. 1 and fig. 2, [0023] to [0025]; [0032] to [0033] and [0035] to [0037]. Specifically, Minear et al. disclose the wireless device 12, 18, 20, 22 bridges a connection to an application download server 16); terminating means for terminating said streaming connection between said subscriber and said streaming source ([0033]. Specifically, Minear et al. disclose that if there is not a download server dataset update summary file 70 present at decision 82 (or other version comparison method present), then the connection to the application download server 16 is otherwise completed, and the version update process is terminated); and a charger for charging said streaming connection using a timebased charging ([0008]. Specifically, Minear et al. disclose this function is especially useful if the owner of the wireless device will be ***charged for the network connection time to download the new version of the application*** or data from the download server).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2-23 and 25-46 rejected under 35 U.S.C. 103(a) as being unpatentable over Minear et al. (Pub. No: 20030143991) in view of Sumino et al. (Pub. No: 20050108156).

Regarding claim 2, Minear et al. disclose all the limitations in claim 1. Further, Minear et al. disclose a method wherein said step of charging further comprises the steps of: generating charging information based on said length ([0008]). However, Minear et al. do not disclose the method wherein said step of charging further comprises the steps of: measuring a length of said streaming connection.

In the same field of endeavor, Sumino et al. disclose the method wherein said step of charging further comprises the steps of: measuring a length of said streaming connection ([0086] and [0117] to [0119]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wireless device of Minear et al. by specifically including measuring a length of said streaming connection, as taught by Sumino et al., the motivation being in order to measures an amount of data transmitted to and received from the communication terminal, and transmits to an accounting management device for computing communication charges, the measured data amount and the billing information received from the billing management device.

Regarding claim 3, the combination of Minear et al. and Sumino et al. disclose all the limitation in claim 2. Further, Sumino et al. disclose a method wherein said step of measuring said length of said streaming connection further comprises a step of: identifying a start and an

end of said streaming connection based on a change of a state of said streaming connection ([0086] and [0117] to [0119]).

Regarding claim 4, the combination of Minear et al. and Sumino et al. disclose all the limitation in claim 2. Further, Sumino et al. disclose a method wherein said step of measuring the length of said streaming connection further comprises the steps of: recognizing a start of said streaming connection ([0086] and [0117] to [0119]); starting a timer for measuring the length of said streaming connection ([0086] and [0117] to [0119]); recognizing an end of said streaming connection ([0086] and [0117] to [0119]); stopping said timer for measuring the length of said streaming connection ([0086] and [0117] to [0119]); and obtaining the length of said streaming connection from said time ([0086] and [0117] to [0119])r.

Regarding claim 5, the combination of Minear et al. and Sumino et al. disclose all the limitation in claim 4. Further, Sumino et al. disclose a method wherein said step of recognizing said start further comprises a step of recognizing a play message ([0055] and [0119]).

Regarding claim 6, the combination of Minear et al. and Sumino et al. disclose all the limitation in claim 4. Further, Sumino et al. disclose a method wherein said step of recognizing the end of said streaming connection further comprises the step of recognizing at least one of a teardown message and a disconnect message ([0050], [0074] to [0086]) and [0119] to [0120]).

Regarding claim 7, the combination of Minear et al. and Sumino et al. disclose all the limitation in claim 2. Further, Sumino et al. disclose a method wherein said step of measuring said length of said streaming connection further comprises the steps of: generating time stamps

based on messages sent by said subscriber ([0055], [0069] and [0086]), and based on said time stamps, calculating said length of said streaming connection ([0055], [0069] and [0086]).

Regarding claim 8, the combination of Minear et al. and Sumino et al. disclose all the limitation in claim 7. Further, Sumino et al. disclose a method wherein the method further comprises the steps of: recognizing a start of said streaming connection ([0055], [0069] and [0086]); creating a first time stamp indicating a start time of said streaming connection ([0055], [0069] and [0086]); recognizing an end of said streaming connection; creating a second time stamp indicating the end of said streaming connection ([0055], [0069] and [0086]); and calculating said length of said streaming connection based on said first and said second time stamps ([0055], [0069] and [0086]).

Regarding claim 9, the combination of Minear et al. and Sumino et al. disclose all the limitation in claim 2. Further, Sumino et al. disclose a method wherein said step of recognizing said start further comprises a step of recognizing a play message ([0055] and [0119]).

Regarding claim 10, the combination of Minear et al. and Sumino et al. disclose all the limitation in claim 2. Further, Sumino et al. disclose a method wherein said step of recognizing said end of said streaming connection further comprises a step of recognizing at least one of a teardown message and a disconnect message ([0050], [0074] to [0086]).

Regarding claim 11, the combination of Minear et al. and Sumino et al. disclose all the limitation in claim 2. Further, Sumino et al. disclose a method wherein said step of measuring the length of said streaming connection further comprises a step of: identifying a temporary stop

of said streaming connection based on a change of a state of said streaming connection ([0099] and [0123]).

Regarding claim 12, the combination of Minear et al. and Sumino et al. disclose all the limitation in claim 11. Further, Sumino et al. disclose a method wherein said step of identifying a temporary stop of said streaming connection is based on identifying a temporary stop ([0099] and [0123]).

Regarding claim 13, the combination of Minear et al. and Sumino et al. disclose all the limitation in claim 2. Further, Sumino et al. disclose a method wherein said step of identifying a temporary stop comprises a pause message ([0123]).

Regarding claim 14, the combination of Minear et al. and Sumino et al. disclose all the limitation in claim 2. Further, Sumino et al. disclose a method wherein said step of measuring the length of said streaming connection further comprises the steps of: sending temporary stop information about a temporary stop of said streaming connection ([0099] and [0123]); based on said temporary stop information, halting temporarily the measuring of said length of said streaming connection ([0099] and [0123]); sending restart information about a restart of said streaming connection; based on said restart information, restarting the measuring of said length of said streaming connection ([0099] and [0123]); and measuring the length of said streaming connection based on said temporarily halting and restarting of the measuring of said length of said streaming connection ([0099] and [0123]).

Regarding claim 15, Minear et al. disclose all the limitation in claim 1. However, Minear et al. do not disclose a method wherein the method further comprises the step of: checking whether a streaming connection for the subscriber can be established.

In the same field of endeavor, Sumino et al. disclose a method wherein the method further comprises the step of: checking whether a streaming connection for the subscriber can be established ([0098] to [0100]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wireless device of Minear et al. by specifically including checking whether a streaming connection for the subscriber can be established, as taught by Sumino et al., the motivation being in order to measures an amount of data transmitted to and received from the communication terminal, and transmits to an accounting management device for computing communication charges, the measured data amount and the billing information received from the billing management device.

Regarding claim 16, Minear et al. disclose all the limitation in claim 1. However, Minear et al. do not disclose a method wherein the method further comprises the step of: checking whether said time based charging can be used for said subscriber for streaming connections.

In the same field of endeavor, Sumino et al. disclose a method wherein the method further comprises the step of: checking whether said time based charging can be used for said subscriber for streaming connections ([0098] to [0109]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wireless device of Minear et al. by specifically including a

method wherein the method further comprises the step of: checking whether said time based charging can be used for said subscriber for streaming connections, as taught by Sumino et al., the motivation being in order to measures an amount of data transmitted to and received from the communication terminal, and transmits to an accounting management device for computing communication charges, the measured data amount and the billing information received from the billing management device.

Regarding 17, Minear et al. disclose all the limitation in claim 1. However, Minear et al. do not disclose a method wherein the method further comprises the step of: checking whether said time based charging can be used for said subscriber for said streaming connection.

In the same field of endeavor, Sumino et al. disclose a method wherein the method further comprises the step of: checking whether said time based charging can be used for said subscriber for said streaming connection ([0098] to [0109])

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wireless device of Minear et al. by specifically including a method wherein the method further comprises the step of: checking whether said time based charging can be used for said subscriber for said streaming connection, as taught by Sumino et al., the motivation being in order to measures an amount of data transmitted to and received from the communication terminal, and transmits to an accounting management device for computing communication charges, the measured data amount and the billing information received from the billing management device.

Regarding claim 18, the combination of Minear et al. and Sumino et al. disclose all the limitation in claim 15. Further, Sumino et al. disclose a method wherein said checking is performed based on at least one of a Mobile Subscriber International Mobile Station Identifier number, an International Mobile Subscriber Identity number, a client number, an identifier number, and a subscriber identifier ([0041]).

Regarding claim 19, the combination of Minear et al. and Sumino et al. disclose all the limitation in claim 16. Further, Sumino et al. disclose a method wherein said checking is performed based on at least one of a Mobile Subscriber International Mobile Station Identifier number, an International Mobile Subscriber Identity number, a client number, an identifier number, and a subscriber identifier ([0041]).

Regarding claim 20, the combination of Minear et al. and Sumino et al. disclose all the limitation in claim 2. Further, Sumino et al. disclose a method wherein said checking is performed based on at least one of a Mobile Subscriber International Mobile Station Identifier number, an International Mobile Subscriber Identity number, a client number, an identifier number, and a subscriber identifier ([0041]).

Regarding claim 21, the combination of Minear et al. and Sumino et al. disclose all the limitation in claim 2. Further, Sumino et al. disclose a method wherein the method further comprises the step of: storing said length of said streaming connection in one or several charging records ([0017], [0041], [0083] to [0084] and [0123]).

Regarding claim 22, the combination of Minear et al. and Sumino et al. disclose all the limitation in claim 2. Further, Sumino et al. disclose a method wherein the method comprises

the step of: storing said length of said streaming connection in one or several charging records relating to said subscriber ([0017], [0041], [0083] to [0084] and [0123]).

Regarding claim 23, the combination of Minear et al. and Sumino et al. disclose all the limitation in claim 2. Further, Sumino et al. disclose a method wherein the method further comprises the step of: generating a charging record comprising said length of said streaming connection in relation to said subscriber ([0017], [0041], [0083] to [0084] and [0123]).

Regarding claim 25, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 26, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 27, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 28, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 29, this claim is rejected for the same reason as set forth in claim 7.

Regarding claim 30, the combination of Minear et al. and Sumino et al. disclose all the limitation in claim 29. Further, Sumino et al. disclose the mobile packet radio system wherein the system comprises: calculator means, responsive to said time stamps, for calculating said length of said streaming connection ([0069] and [0086]).

Regarding claim 31, this claim is rejected for the same reason as set forth in claim 8.

Regarding claim 32, the combination of Minear et al. and Sumino et al. disclose all the limitation in claim 31. Further, Sumino et al. disclose the mobile packet radio system wherein said system is, in response to said first and said second time stamp configured to calculate said length of said streaming connection ([0069] and [0086]).

Regarding claim 33, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 34, this claim is rejected for the same reason as set forth in claim 11.

Regarding claim 35, this claim is rejected for the same reason as set forth in claim 12.

Regarding claim 36, this claim is rejected for the same reason as set forth in claim 13.

Regarding claim 37, this claim is rejected for the same reason as set forth in claim 14.

Regarding claim 38, this claim is rejected for the same reason as set forth in claim 15.

Regarding claim 39, this claim is rejected for the same reason as set forth in claim 16.

Regarding claim 40, this claim is rejected for the same reason as set forth in claim 17.

Regarding claim 41, this claim is rejected for the same reason as set forth in claim 18.

Regarding claim 42, this claim is rejected for the same reason as set forth in claim 19.

Regarding claim 43, this claim is rejected for the same reason as set forth in claim 20.

Regarding claim 44, this claim is rejected for the same reason as set forth in claim 21.

Regarding claim 45, this claim is rejected for the same reason as set forth in claim 22.

Regarding claim 46, this claim is rejected for the same reason as set forth in claim 23.

Response to Argument

6. Applicant, on page 3, lines 4-5 of his response, argues that Minear fails to disclose or suggest all of the elements of any of the presently pending claims. However, the Examiner disagrees. First, Minear et al. disclose in claim 1 a method for charging a streaming connection in a mobile packet radio system, the system comprising a streaming source and a subscriber capable of receiving streaming data from said streaming source (fig. 1 and fig. 2, [0008]), the method comprising the steps of: establishing a data connection for a subscriber 12, 18, 20, 22 (fig. 1 and fig. 2, [0023] to [0025] and [0029]); establishing a streaming connection between said subscriber 12, 18, 20, 22 and a streaming source 16 (fig. 1 and fig. 2, [0023] to [0025]; [0032] to

[0033] and [0035] to [0037); terminating the streaming connection between said subscriber and said streaming source ([0033]. Specifically, Minear et al. disclose that the connection to the application download server 16 is otherwise completed, and the version update process is terminated); and charging said streaming connection using a time-based charging ([0008]. Specifically, Minear et al. disclose this function is especially useful if the owner of the wireless device will be ***charged for the network connection time to download the new version of the application*** or data from the download server). Second, Minear et al. disclose in claim 24 a mobile packet radio system for charging a streaming connection (fig.1 and fig. 1, [0008]), the system comprising: a streaming source 16, 30 and/or 32 (fig. 1, fig. 1 and fig. 2, [0023] to [0025]; [0032] to [0033] and [0035] to [0037]); a subscriber capable of receiving streaming data from said streaming source 12, 18, 20, 22 (fig. 1 and fig. 2, [0023] to [0025]; [0032] to [0033] and [0035] to [0037]); first establishing means for establishing a data connection for said subscriber 12, 18, 20, 22 (fig. 1 and fig. 2, [0023] to [0025]; [0032] to [0033] and [0035] to [0037]); second establishing means for establishing a streaming connection between said subscriber 12, 18, 20, 22 and said streaming source 16, 30 and/or 32 (fig. 1 and fig. 2, [0023] to [0025]; [0032] to [0033] and [0035] to [0037]); terminating means for terminating said streaming connection between said subscriber and said streaming source ([0033]. Specifically, Minear et al. disclose that the connection to the application download server 16 is otherwise completed, and the version update process is terminated); and a charger for charging said streaming connection using a timebased charging ([0008]. Specifically, Minear et al. disclose this function is especially useful if the owner of the wireless device will be ***charged for the network***

connection time to download the new version of the application or data from the download server).

Applicant, on page 3, lines 14-19 of his response, argues that Minear fails to disclose "a streaming source" and " a streaming connection." However, the Examiner disagrees. The Examiner interprets "a streaming source" as "a download server," e.g., 16, 30 and 32. The Examiner also interprets "a streaming connection" as "downloading" and/or "communication." The applicant's attention is directed to the disclosure of the reference Minear et al., in figure 1 and figure 2, at paragraphs, [0023] to [0025]; [0032] to [0033] and [0035] to [0037]. The Examiner applies the prior art, Miner et al. (Pub. No: 20030143991), to read on the claimed limitations with the broadest reasonable interpretation.

Applicant, on page 4, lines 4-20 of his response, argues that as paragraph 0026 of the present application mentions, a streaming connection "is a continuous data connection between client, e.g. mobile subscriber 102 and a steaming source, e.g. a steaming server 107. The continuous data connection transfers e.g. video or multimedia content." However, the examiner disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a streaming connection "is a continuous data connection between client, e.g. mobile subscriber 102 and a steaming source, e.g. a steaming server 107. The continuous data connection transfers e.g. video or multimedia content") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant, on page 5, lines 1-6 of his response, argues that Minear fails to teach or suggest a subscriber capable of receiving streaming data, establishing a streaming connection, terminating the streaming connection, charging the streaming connection using a time-based charging. However, the Examiner disagrees. Minear teaches or suggests a subscriber capable of receiving streaming data (fig. 1 and fig. 2, [0023] to [0025]; [0032] to [0033] and [0035] to [0037]), establishing a streaming connection (fig. 1 and fig. 2, [0023] to [0025]; [0032] to [0033] and [0035] to [0037]), terminating the streaming connection ([0033]), charging the streaming connection using a time-based charging ([0008]).

Applicant, on page 6, lines 8-18 of his response, argues that Sumino fails to teach or suggest a streaming source or streaming connection, time-based charging. However, the Examiner disagrees. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen M Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7503.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong
AU: 2617
Date: 05-11-2006

ELISEO RAMOS-FELICIANO
PRIMARY EXAMINER